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January 8, 2007

Honorable Diane Rice Chair House Committee on the Judiciary State Capitol P. O. Box 200400 Helena, MT 59620-0400

RE:

Montana Access to Civil Justice Act

House Bill 60

Dear Madam:

I am sending this letter to urge you and your committee to favorably consider the above bill.

The purpose of House Bill 60 is to assist in providing access to justice for low income Montanans by creating a Court based self-help law program.

From my 16 year's experience as Chief Justice of the Montana Supreme Court, it was readily apparent to me that many Montana citizens, without being represented by a licensed attorney, had made an effort to access the Courts and obtain equal protection of the law. Their efforts almost always resulted in failure and disappointment because of their lack of understanding concerning the intricate rules of procedure of the Courts, the provisions of the Montana Constitution and statutes.

A recent State Bar of Montana Legal Needs Survey indicated that narrowly 85% of the legal problems of low household incomes in Montana did not receive any help or attention from an attorney because they simply could not afford the payment of attorney's fees and expenses.

The cost of maintaining a law office in Montana today requires the attorney to charge fees and expense costs that are simply beyond the reach of low income Montanans.

The Constitution of the State of Montana Article 2 Section 16 provides that Courts of Justice shall be open to every person and Section 17 provides no person shall be deprived of life, liberty, or property without due process of law. Nothing in these Sections or any place else in our Constitution, provides "unless you cannot afford it."

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It must be made clear that House Bill 60 is an effort to help secure justice for all of our citizens – not an attempt by the Courts to gain more resources for Court programs.

I respectfully urge your Committee to give favorable consideration to House Bill 60.

Respectfully,

/Jean A. Turnage

Chief Justice

Montana Supreme Court (Retired)